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Mark M. Friedman  
c/o Anthony Castorina  
2001 Jefferson Davis Highway  
Suite 207  
Arlington, VA 22202

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In re Application of	:	
SHKLARSKY, et al.	:	
Application No.: 09/202,617	:	DECISION ON RENEWED
PCT No.: PCT/IL97/00188	:	
Int. Filing Date: 10 June 1997	:	PETITION UNDER
Priority Date: 18 June 1996	:	
Attorney Docket No.: 26/259	:	37 CFR 1.181
For: ADAPTIVE CAPACITY AND QUALITY	:	
IMPROVEMENTS IN CELLULAR RADIO	:	
SERVICES BY THE REMOVAL OF STRONG	:	
INTERFERENCE SOURCES	:	

This is a decision on applicants' "Renewed Petition Under 37 CFR 1.181." filed on 02 July 2001 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 02 May 2001, applicant was mailed a decision dismissing applicant's renewed petition and affording two months in which to file a response.

On 02 July 2001, applicant filed the present renewed petition.

### **DISCUSSION**

The Official Gazette, at 1156 OG 53, provides that a petition requesting relief based on the grounds that an Office action was not received must be accompanied by a statement that (1) the Office action was not received, (2) attests that a search of the file jacket indicates the Office action was not received, (3) attests that a search of counsel's docket records indicates the Office action was not received and (4) the Petition must also be accompanied by copies of the docket records where the non-received Office action would have been entered. (See also, Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

Applicants previously satisfied items (1), (2) and (3) above.

Regarding item (4), applicant has submitted a docket record. However, it is unclear whether the submitted docket record applies to the present situation. The Notification of Missing Requirements in question was mailed to applicant on 23 February 1999 affording one month for a response. Yet, in the present petition applicant states that, "The new docket entries between Feb. 2, 1999 and Feb. 9, 1999, entered in the computerized database, show that no such Notice of Missing Requirements or any other action was received by him with respect to this application." Thus, it is unclear what dates the enclosed docket record is detailing. Furthermore, applicant has not provided an explanation as to what the various columns mean. Absent an explanation from applicant, it is not possible to grant the renewed petition.

Thus, applicants have not provided the proper showing necessary to withdraw the holding of abandonment and the petition may not be properly granted.

### CONCLUSION

The Petition to Withdraw Holding of Abandonment under 37 CFR 1.181 has been considered, however, for the reasons indicated above, the petition stands **DISMISSED** without prejudice and the application remains **ABANDONED**.

If reconsideration of the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.181." No additional fee is required.

Any renewed petition filed must include a proper reply. A proper reply must include a copy of the docket record for all responses due on 23 March 1999.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Leonard Smith  
Legal Examiner  
PCT Legal Office



Derek A. Putonen  
Petitions Attorney  
PCT Legal Office  
Tel: (703) 305-0130  
Fax: (703) 308-6459